

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ANTOINE THOMAS, #02399247,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:24-cv-396-JDK-JDL
	§	
TEXAS DEPARTMENT OF FAMILY	§	
AND PROTECTIVE SERVICES, et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Antoine Thomas, a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983, and he was permitted to proceed *in forma pauperis*. Docket No. 1. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition of the action.


On December 4, 2024, Judge Love issued a Report recommending that Plaintiff's lawsuit be dismissed for failure to prosecute because Plaintiff had failed to comply with the Court's order of October 17, 2024, which required Plaintiff to pay an initial, partial filing fee, as mandated by the Prison Litigation Reform Act. Docket No. 15. The Report was sent to Plaintiff, and he received it on December 16, 2024. Docket No. 16. Plaintiff has not filed objections and the time to do so has passed. Neither did Plaintiff pay the required initial fee.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not file any objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 15) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE**. All pending motions are **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this 4th day of **February, 2025**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE